

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, March 7, 2006
Time: 6:00 PM (Closed Session)
7:00 PM (Public Business)
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd.

ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano and Polanski

ABSENT: Councilmember Livengood

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the following two issues:

(1) **CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING**

(Pursuant to California Government Code Section 54957.6)

City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez. Employee Organizations: Milpitas Police Officers Association (MPOA), International Association of Firefighters (IAFF), Protech. Under Negotiation: Wages, Hours, Benefits, Working Conditions

(2) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(Pursuant to California Government Code Section 54956.8)

Property: 82 North Main Street, Milpitas, CA (APN: 028-24-024)

City Negotiator: City of Milpitas (Mark Rogge)

Negotiating Parties: Mr. Chaudhary, Mr. Singh, and Mr. Sandhu

Under Negotiation: Terms and Conditions for Lease

The City Council reconvened in Open Session at 7:00 PM with Mayor Esteves presiding and three Councilmembers present.

CLOSED SESSION ANNOUNCEMENT

NONE

PLEDGE

Boy Scouts Troop No. 92 Color Guard led the Pledge of Allegiance.

INVOCATION

Pastor Jim Tirone of Christ Community Church of Milpitas offered the invocation.

MINUTES

MOTION: to approve minutes of the February 21, 2006 Council meeting, as submitted.

Motion/Second: Vice Mayor Gomez/Councilmember Polanski

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

SCHEDULE OF MEETINGS

MOTION: to approve the Schedule of Meetings, as amended.

Councilmember Giordano stated that the March 9th Terrace Gardens Board meeting was canceled, and would meet only once per month from now on.

Motion/Second: Councilmember Polanski/Vice Mayor Gomez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

PRESENTATIONS

Certificate of Appointment

Mr. Syed Mohsin was re-appointed to a term on the Community Advisory Commission.

Proclamations

1.) Mayor Esteves proclaimed "Certified Government Financial Manager Month" for March. Mr. Alex Gulang received the proclamation on behalf of the local chapter of CGFM.

2.) Mayor Esteves proclaimed "National Purchasing Month" for March. The proclamation was presented to the City's Purchasing Agent Christopher Schroeder. He credited the staff in the City Finance Department, namely Linda Cortinas, Rosina Castellanos, Keith Dills, Irene Felix, and Bart Damele.

Certificates of Commendation

1.) Milpitas Police Athletic League Football – 4 Cheer Moms, 10 Cheer Coaches, and 3 Team Mascot Assistant Coaches were presented certificates from the Mayor.

2.) Three local organizations, Community Arts & History Support, Northeast Region APPN, and Milpitas Vietnamese Lions Club, organized the First Vietnamese-English *Principles of Life* Essay Celebration and Contest. Maria Nguyen thanked the Mayor and City Council for support.

3.) Ten Student Winners of the First Vietnamese-English *Principles of Life* Essay Contest were presented certificates by the Mayor, and he also noted the Honorable Mention students.

CITIZENS FORUM

Evan Trapp, resident of Milpitas, provided the City Council with his own suggestions for revising the manner in which his \$150 deposit for utility services is handled by the City. He provided a written copy of his suggestions to the City Clerk.

Mayor Esteves thanked him for input and Councilmembers Giordano and Gomez responded that this matter could be discussed at a Finance Subcommittee.

A man, who did not state his name, asked about the charter city ballot measure, stating that he would like more information about it.

Vice Mayor Gomez explained that Councilmember Livengood and he wrote a memo a few weeks ago, a copy of which was available from the City Clerk. An argument in favor of the measure will be written by those two Councilmembers and printed in the ballot pamphlet.

ANNOUNCEMENTS

City Manager Charles Lawson announced the successful workshop "Doing Business in Milpitas," hosted jointly by the Chamber of Commerce and the City last week, which was well attended.

Mayor Esteves congratulated city staff and sponsors who brought the workshop to prospective small business people in Milpitas.

Councilmember Polanski attended the *Principles of Life* celebration, where she appreciated reading the winning essays. She encouraged folks to go to the Milpitas library to read them.

Also, the Community Advisory Commission recently held a meeting to consider Community Development Block Grant allocations, with recommendations due to Council in April. With less money this year to distribute, it was difficult for the competing groups.

Councilmember Polanski also reminded the public about new recycling activity – new blue bins for single stream recycling, starting on March 13. She also thanked the Chamber for its successful sold-out Crab Feed event. The Milpitas Foundation for Education planned a fundraising event on April 7 at 6 PM, a crab feed and silent auction.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None

APPROVAL OF AGENDA

MOTION: to approve the agenda as amended

Councilmember Giordano requested that Agenda Item No. 2 be removed from the agenda and moved to the March 21 agenda instead.

Motion/Second: Councilmember Giordano/Vice Mayor Gomez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

CONSENT CALENDAR

MOTION: to approve the Consent Calendar as submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

*** 1. Continue Use Permit and
“S” Zone change for Piercey
Automobile Dealership**

Continued the Public Hearing date for Use Permit Application No. UP 2006-1 and “S” Zone change application No. SZ 2006-1 to the March 21, 2006 Council meeting date.

*** 3. Mayor’s Recommendation
to Commission**

Appointed Anastasia Sen-Beals to a vacancy on the Economic Development Commission for a hotel representative, with an expiration of April 2007.

*** 5. Second Reading and
Adopt Ordinance No. 43.203**

Waived the second reading of the Traffic Ordinance, and adopted Ordinance No. 43.203, an Amendment to the Traffic Code to Change the Speed Limits on Various Streets.

*** 6. Agreement with
CalRecovery, Inc., for Solid
Waste Franchise
Compensation Audit Services**

Authorized the City Manager to execute the agreement with CalRecovery, Inc, in the amount of \$44,890, subject to approval as to form by the City Attorney.

*** 7. Plans & Specifications
and Bid Proposals for Sewer
Deficiency and Structural
Correction Program**

Approved plans and specifications, and authorized advertising for bid proposals, for Project No. 6073.

*** 8. New Capital Improvement
Project and Budget for
Milpitas Communications
Enhancements**

Approved the new Capital Improvement Project entitled “Milpitas Communications Enhancements” and approved a Budget Appropriation of \$75,000 from the Street Fund for Project No. 4232.

*** 9. Approve Payment Request**

Approved payment of \$20,505 to Medtronic Emergency Response Systems for the annual service and support agreement for Fire Department equipment.

UNFINISHED BUSINESS

*** 2. Report Cost of
Investigation of Potential
Conflict of Interest**

This item was removed from the agenda at the request of Councilmember Giordano, with a request that it be presented to the Council at its next meeting.

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

**RA1.
CALL TO ORDER**

Mayor/Agency Chairman Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 7:48 PM.

**RA2.
ROLL CALL**

PRESENT: Mayor/Chair Esteves, Vice Mayor/Vice Chair Gomez and Agency/Councilmembers Giordano and Polanski

ABSENT: Agency/Councilmember Livengood

**RA3.
MINUTES**

Motion: approve the Redevelopment Agency minutes of February 21, 2006, including joint meeting with the City Council, as submitted.

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

RA4. Approval of Agenda and Consent Calendar

Motion: approve the agenda and consent calendar for the Agency

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

RA 5. Progress Report on Library and East Parking Garage

Jeff Adams of Cheung Partners was present with City staff Mark Rogge to discuss the progress of Projects No. 8162 and No. 8161.

The latest overall cost estimate for the library project remained at \$12.5 million. Current construction cost estimates were slightly reduced to prepare for expected later increases in costs, including anticipated increases for materials.

Mr. Rogge reviewed the status of the garage design and the connector between the parking garage and the library building. Additionally, he discussed the No. Main Street Utilities Project with the latest details of the undergrounding of utilities in the Mid-Town area, which was preparing to get underway. He further detailed some of the recent land acquisition, hazardous materials abatement and site preparation.

MOTION: receive the staff progress report on the new library and surrounding projects

Motion/Second: Vice Chair/Vice Mayor Gomez/ Agency/Councilmember Polanski

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

RA 6. Agreement For Consultant Services with Critical Solutions, Inc.

Staff Mark Rogge discussed why Critical Solutions Inc (CSI) was selected to be the project management team for the new Milpitas library (Projects No. 8162, 8161, 8165, 8153, 8154, and Other Projects as Assigned).

The Critical Solutions, Inc. team consisted of President Ron Johnson, Project Manager Tom Hedges, and Construction Manager Darryl Witbeck from the firm, who were present at the meeting. This company constructed the Santa Clara New Central Park Library, Shasta County Library/Redding Main, Kaiser Parking Garage, Evergreen Community College Library and Educational Technology Center, among other recent successful projects.

Councilmember Giordano asked, what was the cost for this project relative to overall costs (based on other libraries)? CSI management said it depends on the nature of the contract and gave an example of 6-7% of construction costs for another city's library building. Mark Rogge responded that the cost was in line with other similar projects. The sum is a lump sum fixed, with other costs variable.

Vice Mayor Gomez wondered if City staff had a more integrated role in the project. Mr. Rogge responded stating that it was City staff's job to ensure that CSI complied with the contract and performed work as documented. Also, staff would be out in the field as construction proceeds. He detailed which staff would be out there in the field.

MOTION: Authorize the City Manager to execute an agreement with Critical Solutions, Inc. in the amount of \$2,200,000, subject to approval as to form by the City Attorney

Motion carried by a vote of:

AYES:	4
NOES:	0
ABSENT:	1 (Livengood)

Economic Development Manager Diana Whitecar presented the draft plan to the Council. She reviewed the two project areas in Milpitas: RDA Plan Area No. 1 and the Great Mall (with an 11/2/08 expiration date).

She further identified seven major projects completed in the redevelopment area, including storm drain improvements, sewer & water projects, Milpitas Sports Center and Senior Center improvements, Civic Center improvements, City Identification signs and Mid-Town area improvements. Current Goals and Objectives were detailed, noting that especially commercial rehabilitation needed attention. She explained in some detail, in response to Vice Mayor Gomez's inquiry on this detail of the plan.

With regard to affordable housing, the project area through December 2014 would accumulate \$52 million toward future affordable housing. The total number of units created over the last five years was 456. Revenues & Expenditures for 2005-2010 were examined (as in the written report). Required debt services, in addition to expenditures on major projects such as the library and senior center, were identified.

